

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 5, 2005**

CALL TO ORDER

Mayor Bernard called the 1961st meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes, Council President Joe Loomis

Carlotta Collette Susan Stone

Staff present:

Gary Firestone,
City Attorney

Paul Shirey,
Engineering Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Metro Update and Open Spaces Celebration

Metro Councilor Brian Newman provided information on the upcoming Greenspace Celebration. It was an honor for him to serve as the co-convenor of Oregon Solutions effort on Milwaukie's riverfront along with Dave Green and Councilor Loomis. Although Oregon Solutions team facilitation had ended, the group would continue its work. He was hopeful, particularly with Governor Kulongoski's interest and support, that resources would be found to help Milwaukie make its riverfront dream a reality.

In 1995, the Metro Council referred a Greenspace/Open Space bond measure to the voters for about \$135 million, and it passed overwhelmingly in the three counties. The promise was to focus those dollars on acquiring about 6,000 acres of remaining Greenspaces that might be threatened by development. Over the decade actually about 8,500 acres were purchased thanks to good staff work, cooperative landowners, donations, and leveraging other resources. The purpose of the Celebration was to tell voters what they purchased over those 10 years.

That 1995 program was in two sections. The first was the regional program that focused on purchasing about 13 target areas throughout the region. The second piece was the local share component. Revenues for Milwaukie allowed for a connection between Ardenwald and the Springwater Trail, an area adjacent to the Minthorn wetland for future natural park, native vegetation planting at Furnberg Park, Roswell Wetland, and Willow Place Wetland, and acquisition of a small property near the Cash spot and between McLoughlin Boulevard and Kellogg Lake for future trail access. Metro was holding a series of events throughout the region from September 1 to 11.

The Metro Council was now discussing the next phase of the program that would be another bond measure in November 2006. If there was public support and Metro decided to refer it, the measure would have three components. Those would be target area acquisition within and outside the Urban Growth Boundary (UGB), a local share

that would be a per capita allocation to local governments, and a challenge grant program where groups were invited to partner to undertake projects.

Metro Councilor Newman discussed *GreenScenes*, a quarterly newsletter published by Metro. He observed that it was good to see dirt being moved on the 3 Bridges Project, which should open fall 2006, and North Main Village Development.

Mayor Bernard asked when the South Corridor Policy Committee would meet again to consider the alternatives.

Metro Councilor Newman replied there were two phases to that project. The first was I-205 light rail. Metro officially handed that project off to TriMet, so it was no longer under Metro's purview. The Metro Policy Advisory Committee (MPAC) had Phase 2, which was the Portland State University (PSU) to Milwaukie segment. Financing was being assembled for the last environmental impact statement that was anticipated to begin this December. It would deal with all of the environmental work along the corridor in Milwaukie and Portland. When that environmental work was done, the South Corridor Policy Committee would reconvene to make the final decisions related to station locations and alignment. After all the environmental work was done, there would be an identified preferred alternative with a final alignment. The environmental work was a \$4 million undertaking.

Mayor Bernard stated that Phase 1 also included the Southgate park-and-ride. That seemed to have dropped from TriMet's radar screen.

Metro Councilor Newman agreed that Southgate was in Phase 1. He had heard that TriMet had completed the engineering and would take it through Milwaukie's permitting process. He had not been kept in the loop on that project.

Mayor Bernard addressed signage for the 3 Bridges Project and said he had heard comments that it was far back from the road to be readable.

Metro Councilor Newman said Metro had an intergovernmental agreement (IGA) with the City of Portland, and he said he would have someone from Metro contact the project manager. He believed the former car lot was being used as a staging area.

Councilor Collette asked if Milwaukie would be eligible for grant funds to continue design work on Riverfront Park.

Metro Councilor Newman did not think the timing would be good since the measure would not be referred to the voters until November 2006. He suggested leveraging other resources for the design work and using the local share and grant monies for the Riverfront Park. He commented on other projects throughout the City.

CONSENT AGENDA

Councilor Loomis asked that item D be pulled for discussion.

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:

- A. City Council Minutes of June 7 & 21, 2005;
- B. Lake Road Waterline Replacement Bid Award;
- C. OLCC Application for Happy Baskets, 3306 SE Lake Road; and

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION --

None.

PUBLIC HEARING – None scheduled

OTHER BUSINESS

Library Board Appointments

Mayor Bernard, with the consent of Council, appointed Paula Harris and Leslie Schradle to vacant positions on the Ledding Library Board.

Consider Letter to City of Portland Mayor Tom Potter Regarding Proposed Wal-Mart at Tacoma Street and McLoughlin Boulevard

Councilor Loomis thought the neighborhoods were doing a great job in voicing their opinions, and he did not feel it was appropriate for the City Council to step in at this point. He believed it was more appropriate to send a letter to Metro and TriMet regarding proposed development on property that Milwaukie understood was going to be a park-and-ride. He was concerned the City was getting involved when it did not have to. Would the Council be having this discussion if an REI or Wild Oats were being proposed? The impact would be the same.

Mayor Bernard stated he would have a problem with a Wild Oats because he wanted a grocery store in the downtown area. There would be traffic regardless of what developed on that site. The Council supported the park-and-ride on the site. He suggested the property owner get information on the combined Portland State University (PSU), OIT, and Clackamas Community College campus proposal. That would be a great location with light rail. He thought it was time for the Milwaukie City Council to express its concerns.

Councilor Stone asked if the Portland City Council had taken an official position.

Councilor Collette said no application had been submitted.

Mr. Firestone said because the land use application would go through the City of Portland that Council had considerations that Milwaukie did not. Milwaukie could expect consultation and comment, but it would not anticipate making any decisions on this property.

Councilor Stone asked if Milwaukie would be getting itself in any kind of legal web if it sent a letter.

Mr. Firestone replied anyone who voted in favor of the letter would have to consider that he would at least be exposing himself to potential criticism if a Wal-Mart application were submitted. Since the property was in Portland it was not anticipated to come before the Milwaukie Council for a formal decision. He did not see any clear considerations that said the Council could not participate or express its opinion. He did not see any legal issues that would preclude the Council from sending a letter.

Councilor Stone asked if the portion of the property in Milwaukie could be used for such a store.

Councilor Collette said the property in Milwaukie was zoned industrial.

Mr. Firestone commented that people could always apply for zone changes, so it was not an impossibility.

Councilor Collette said there was only one line in the letter that referred to Wal-Mart itself. The rest of the letter said a Wal-Mart in that location would be a problem for the City because of traffic in the neighborhoods and challenges to small businesses. Without that one sentence, the letter would not say anything specifically negative about Wal-Mart. In fact, the letter said Milwaukie was open to big box businesses if appropriately located. She thought the Council would be preserving its right to comment on future applications.

Mr. Firestone said generally speaking, a site-specific comment reduced the risk of a challenge to participation in some future proceeding.

Councilor Collette thought the community investment in the downtown and neighborhoods was at risk. She felt the Council had a responsibility to protect that investment as much as possible. This would affect traffic on City streets, downtown businesses, light rail, park-and-ride, and the new Safeway on King Road.

Mayor Bernard thought the traffic impact of a Wal-Mart would be much greater than something like an REI.

Councilor Collette said grocery stores have a high turnaround in terms of trips. Park-and-ride typically generated traffic at peak hours. The impacts on the Sellwood Neighborhood, the Sellwood Bridge, Tacoma Street, and Johnson Creek Boulevard would be significant.

Councilor Stone made some editorial suggestions. She would remove the word "furthermore" and refer to the Wal-Mart site as being proposed.

Councilor Loomis suggested adding something about a Wal-Mart or any other type of business that would detract from the Milwaukie downtown. He also wanted to address the planned future park-and-ride on that site.

Mayor Bernard agreed with the suggestion to address the vision of the site's being a park-and-ride facility. He was concerned about any business that would adversely impact the community.

Councilor Collette suggested adding language in the first paragraph that the site was planned for a future park-and-ride and light rail station.

Councilor Loomis commented that a lot of research went into a park-and-ride at that location. Now he heard that TriMet did not have the money. That was a bigger issue for him than Wal-Mart. Councilor Loomis was sympathetic with Mr. Dietrich as the property owner.

Councilor Collette agreed she was sympathetic with Mr. Dietrich, but on the other hand he went to the most outrageous industry he could find as an option.

Councilor Stone read her notes, "This facility would be sited on the border between our two cities and adjacent to neighborhoods and streets we hold in common. In addition, this location has been in the planning to be a future park-and-ride site and light rail station." The next paragraph read, "Milwaukie has been working very hard to rebuild

our downtown and protect our taxpayer investments in this community. A new Wal-Mart at Tacoma Street and McLoughlin Boulevard would likely have serious consequences for this effort."

Mayor Bernard heard general support.

Councilor Loomis wanted strong wording related to the planned park-and-ride facility.

Councilor Barnes recommended sending a copy of the letter to Metro and TriMet.

Mr. Firestone suggested that if the letter were not in its final form, then the Council could make a motion to approve the general form of the letter as discussed, direct the City Recorder to prepare the final version, and delegate final authority to the Mayor for the format.

It was moved by Councilor Collette and seconded by Councilor Barnes to approve the general format of the letter, direct a final be prepared, and authorize the Mayor to sign the letter. Motion passed 5:0

INFORMATION

Mayor Bernard read comments into the record:

These past weeks have been very difficult for this community and last week in particular for the family of Matal. Matal was taken from this world long before he should have been. His potential gone to the world for a reason I cannot possibly imagine. Tragedies such as these bring the community together, the community stepped up to the challenge and made every effort in the hope of finding this beautiful boy alive and bringing him home to the waiting arms of his mother. Every day thanks to our Chief Larry Kanzler and our public information officer Kevin Krebs Council was kept informed of the massive effort made to find Matal. I had a chance to observe the room at our Public Safety building where our officers, FBI, Clackamas County Sheriffs, and many others from around the Country were hard at work following up on tips, sifting through clues, and coordinating search efforts. It was truly amazing. While the Chief probably did not appreciate Councilor Barnes and I walking into the room where all this was going on, he later said "he wished others from City Staff and the Community could have seen the effort". Our Police Officers, Reserve Officers, Clackamas Fire District #1 (your fire department), and our Code Enforcement personnel were hard at work with little rest for days. Our Community and the Council cannot possibly thank them enough; you're all truly amazing. I would also like to thank Councilor Barnes and Councilor Collette for organizing the candlelight vigil. I know for the community we all felt kind of helpless and this gave us an opportunity to gather and express our hope for the safe return of Matal.

Just a day prior to this tragedy our Police officers responded to a 911 call and found an individual with a rifle threatening Police officers and when this individual did not put the rifle down our officer with reluctance fired one shot and disarmed this individual. The newspaper characterized this as an "attempted suicide by police". I want those officers and all of our officers to know how proud I am that they make every effort to preserve

life. I know it's not easy and since I have been Mayor I know of two incidents when life was preserved. What a great Police force. What great leadership. I really do feel very safe in Milwaukie.

At least once a month I hear of some crime in Milwaukie on the news and it angers me when I find out that it was not in fact in Milwaukie and actually took place in unincorporated Clackamas County. Clackamas County Sheriffs Department is under funded and is constantly being cut by the County Commission and stretched beyond their limits. You the taxpayers in Milwaukie and the County do fund jail space and you should be screaming for adequate support for the jails. The Sheriff's Department does a great job and are great partners. Last week the Sheriff was forced to call for closure of more than 70 jail cells because of the lack of support from the County. The Courts had to step in and stop the closure because they can't do their job without adequate jail space. When are we going to start looking outside the box and find a solution? Why for example do all three Counties have to have their own jails? Jails they cannot possible staff, cells unoccupied, and convicted criminals released because there is inadequate staff funding. Jail is not always the solution and I am not advocating putting more people in jail. We must find a solution or the crime rate will continue to grow, and criminals will be released back into your community.

I want the media to take the time to look at a map of the City of Milwaukie and make sure that when reporting a crime they report it accurately. It's not fair to the City when the media credits Milwaukie with crimes that never took place within our control. We have a great Police Department, with trusted officers and leadership, that makes good decisions, and I am proud to entrust our community to them. Public safety has always been my priority.

Thank you for listening tonight and thank you again to all those that participated in the effort to find Matal. To Matal's family, you will be in our thoughts during these tough times and I want you to know if we can help please feel free to call upon us.

Councilor Collette added she was very proud of the Police Department and particularly Officer Kevin Krebs who as calm, sensitive, and assured throughout the press conferences.

Councilor Stone extended condolences to the family and friends of Matal Sanchez. It would be a tragedy in any community, but in a city the size of Milwaukie, it really hit home. She reiterated what Councilor Collette said. The police force did a great job, and Officer Krebs did a wonderful job of representing the City to the media. She understood this was a tough, emotional case for everyone, and she applauded everyone's courage.

Councilor Barnes thanked Milwaukie Covenant Church and its pastor for providing candles for vigil. At the last minute, the pastor stepped forward and shared some thoughtful words with those attending. It was amazing how many people from all parts of Milwaukie came forward that night.

ADJOURNMENT

It was moved by Councilor Collette and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 7:47 p.m.

Pat DuVal
Pat DuVal, Recorder